

PUBLIC SUBMISSION

As of: November 15, 2010
Received: November 08, 2010
Status: Posted
Posted: November 15, 2010
Tracking No. 80b84af2
Comments Due: November 08, 2010
Submission Type: Web

Docket: EPA-R03-OW-2010-0736

Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0652

Comment submitted by Steven C. Pandish, Senior Project Manager, William H. Gordon Associates, Inc.

Submitter Information

Submitter's Representative: Steven C. Pandish

Organization: William H. Gordon Associates, Inc.

General Comment

As a citizen of the Commonwealth of Virginia and a member of the engineering community, I endorse the goal to improve water quality and recognize the need for new regulations. I also recognize that, if properly applied, new regulations may advance this goal. Conversely, if the regulations result in disproportionate and unknown burdens on stakeholders, the ultimate goal of improving water quality may be compromised. I believe the latter is true with regard to TMDLs for the Chesapeake Bay. Therefore, I urge the EPA to delay adoption of the TMDL and backstops for at least one year. It is in this context the following is offered.

The EPA has often spoken of the TMDL effort as “a pollution diet” for the Bay. This is a thoughtful phrase as it implores us to realize the Bay is living, and begins a dialogue about the health and welfare of the Bay utilizing medical terminology. Any medical treatment always involves the discussion of efficacy, a discussion of the benefit and potential “side effects” to the patient. In this case, the treatment is the regulation. The potential “side effects” from the proposed treatment (the regulations) may be economic stress and loss of jobs to our economy as jobs may move to other areas of the country.

It is arbitrary and wrong for the EPA to refuse to consider and incorporate cost-effectiveness into its proposed TMDL. EPA acknowledges it has not used any analysis of costs in the development of its proposed TMDL and says it has not done so because it is not required by law to do so.

The unknown associated costs may be the greatest impediment to an effective program. The economic impact of the proposed regulations must be understood, especially in consideration of the current economic challenges in the region. It is incumbent the EPA delay adoption of the TMDL and backstops, using this additional time to develop an analysis of costs and cost-effective solutions, to ensure we are moving in the right direction to achieve our goals.

Attachments

